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15 **UNITED STATES DISTRICT COURT**

16 **DISTRICT OF NEVADA**

17 RAUL HERRERA,

18 Plaintiff,

19 vs.

20 ARAMARK SERVICES, INC., a foreign
21 corporation; DOES I through V; and ROE
22 BUSINESS ENTITIES I through V;
23 inclusive,

24 Defendants.

25 CASE NO.: 2:19-cv-01594-GMN-DJA

26 **STIPULATION AND ORDER TO
27 EXTEND DISCOVERY DEADLINES
28 (FIRST REQUEST)**

29 Pursuant to LR 26-3 and the scheduling order (**Doc. 8**) in this matter, Plaintiff RAUL
30 HERRERA, by and through his attorneys of record, the law firm GREENMAN
31 GOLDBERG RABY & MARTINEZ, and Defendant ARAMARK CORRECTIONAL
32 SERVICES, LLC, incorrectly named in the complaint as ARAMARK SERVICES, INC., by
33 and through its attorneys, LEWIS BRISBOIS BISGAARD & SMITH LLP hereby
34 respectfully submit their Stipulation and Order to Extend Time for Discovery (First Request)

1 pursuant Rules 6(b) and 26(f) of the Federal Rules of Civil Procedure and Local Rules 6-1
 2 and 26-4.

3 In the most recent Joint Interim Status Report, the Parties did inform that court that
 4 they were working on a stipulation to extend the discovery deadline and would be submitting
 5 it shortly (**See Doc 11**). This is the Parties' **First Request** for an Extension of Time, and the
 6 same is not brought for purposes of delay, but rather for the sole purpose of allowing the
 7 parties to diligently and adequately prepare their respective cases for either settlement
 8 discussions or trial.

9 This stipulation is brought in compliance with LR 26-4 as it is filed 20 days before the
 10 expiration of Plaintiff's Initial Expert Disclosure deadline. Due to certain complexities in this
 11 case the parties jointly request a 90-day extension of the deadline for initial expert disclosures,
 12 rebuttal expert disclosures, and deadline to file motion(s) to add parties or amend pleadings.

13 **REASONS WHY THE DISCOVERY REMAINING WAS NOT COMPLETED**
 14 **WITHIN THE DEADLINES CONTAINED IN THE DISCOVERY SCHEDULING**
 15 **ORDER**

16 The extension is sought for the following reasons:

17 Certainly, there is much to do on this matter and the parties acknowledge that they must
 18 be diligent in continuing discovery when they are better able to. Regardless, good cause exists to
 19 extend the discovery deadlines as the Parties would like to engage in meaningful discovery. Due
 20 to "the recent outbreak of the coronavirus disease 2019 ("COVID-19") in the District of Nevada"
 21 (*see* Temporary General Order 2020-03), there are certain limitations regarding deponents and
 22 their availability for deposition.

23 To date, the parties have exchanged Rule 26.1(a)(1) disclosures and supplemented as
 24 needed. The Defendants have also propounded discovery, and Plaintiff responded to written
 25 discovery requests. Defendants granted Plaintiff multiple extensions to respond to written
 26 discovery. Plaintiff has also propounded written discovery to Defendants and have granted
 27

1 Defendants an extension of time to respond up to May 25, 2020. Currently, Depositions have not
 2 been scheduled due to the recent COVID-19 epidemic.

3 **IT IS HEREBY STIPULATED AND AGREED** to by the Parties that the discovery
 4 deadlines in this matter be continued for a period of 90 days to allow the parties additional time
 5 to complete discovery, retain and disclose experts and allow parties additional time to continue
 6 ongoing settlement discussions.

7 **STATEMENT SPECIFYING THE DISCOVERY THAT HAS BEEN COMPLETED.**

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1. The parties participated in the Fed.R.Civ.P 26(f) conference;
2. All parties have made their disclosures pursuant to Fed.R. Civ. P. 26.1(a)(1);
3. Defendants propounded written discovery to Plaintiff.
4. Plaintiff responded to Defendants' written discovery.

12 **SPECIFIC DESCRIPTON OF DISCOVERY THAT REMAINS TO BE DONE**

13

1. Plaintiff propounded written discovery to Defendant, answers are due
 14 May 25, 2020;
2. Continued investigation into product identification.
3. The Plaintiff's deposition is still pending;
4. Designation of expert witnesses;
5. Designation of rebuttal expert witnesses;
6. An Independent Medical Examination of Plaintiff;
7. Fact and witness depositions will be taken including the following:
 - 21 A. Plaintiff (within the next 60 days);
 - 22 B. Plaintiff's treating physicians;
 - 23 C. Defendant's FRCP 30(b)(6) witnesses;
 - 24 D. Fact witnesses; and
 - 25 E. Expert witnesses
- 26 8. Additional follow up written discovery.



1 The Parties are diligently moving forward with discovery. The Parties hereby request
 2 an extension of discovery deadlines and now respectfully request this Honorable Court grant
 3 this joint request to move the deadline for discovery back. The Parties propose additional
 4 Interim Status Reports be set to keep the Court apprised of Discovery progress as detailed
 5 herein.

6 The current deadline for Plaintiff's Initial Disclosure of Experts is Monday, May 11,
 7 2020. Accordingly, this request is being brought 20 days prior to that date. Here, good cause
 8 exists because the parties have been diligent in conducting discovery, however, additional time
 9 is needed to complete investigation in this matter and other related discovery.

10 **PROPOSED SCHEDULE FOR COMPLETING REMAINING DISCOVERY**

11 As a result of the above, it is requested that the discovery deadlines be continued 90 days
 12 from their present deadlines as follows along with the addition of multiple additional joint interim
 13 status reports to keep the Court Apprised of Discovery Process:

14 **PROPOSED SCHEDULE FOR COMPLETING REMAINING DISCOVERY**

	<u>Current Date</u>	<u>Proposed Date</u>
■ 1 st Joint Interim Status Reports	03/20/2020	Completed
■ 2 nd Joint Interim Status Report	06/19/2020	09/17/2020
■ 3 rd Joint Interim Status Report	08/03/2020	11/02/2020
■ Amend Pleadings/Add Parties	05/11/2020	08/10/2020
■ Plaintiff's Initial Expert Disclosure	05/11/2020	08/10/2020
■ Defendant's Initial Expert Disclosure	06/12/2020	09/10/2020
■ Rebuttal Expert Disclosure	07/13/2020	10/12/2020
■ Discovery Cut-off	09/10/2020	12/09/2020
■ Dispositive Motions	10/09/2020	01/07/2021
■ Joint Pretrial Order	01/08/2021	04/08/2021



1 **Extensions or Modifications of the Discovery Plan and Scheduling Order:**

2 Any stipulation or motion must be made no later than 21 days before the subject deadline.
3 Requests to extend discovery deadlines must comply fully with LR 26.-4.

4 **CONCLUSION**

5 Based on the foregoing the Parties respectfully request that this Honorable Court approve
6 this First Stipulation to Extend the Time for Discovery.

7 **RESPECTFULLY SUBMITTED**

8 DATED this 21st day of April, 2020.

9 DATED this 21st day of April, 2020.

10 **GREENMAN, GOLDBERG, RABY &**
11 **MARTINEZ**

12 */s/ Michael M. Myers*

13 **GABRIEL A. MARTINEZ, ESQ.**

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24 */s/ Steven Abbott*

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29 Attorney for Defendant



1 Case No.: 2:19-cv-01594-GMN-DJA
2 Stipulation and Order to Extend
3 Discovery Deadlines (First Request)

4 **ORDER**
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6 Based upon the Stipulation of the Parties hereto, and with good cause appearing
7 therefor, IT IS HEREBY ORDERED, that the Stipulation to Extend herein above is hereby
8 Granted.

9 DATED: this 24th day of April, 2020
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15 Daniel J. Albregts
16 United States Magistrate Judge
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